

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TQ DELTA, LLC,  
Plaintiff,**

V.

**COMMSCOPE HOLDING COMPANY,  
INC., COMMSCOPE INC., ARRIS US  
HOLDINGS, INC., ARRIS SOLUTIONS,  
INC., ARRIS TECHNOLOGY, INC., and  
ARRIS ENTERPRISES, LLC,  
Defendants.**

## **JURY TRIAL DEMANDED**

**Civil Action 2:21-cv-310-JRG**

**PLAINTIFF TQ DELTA, LLC'S NOTICE OF APPEAL**

Notice is hereby given that Plaintiff, TQ Delta, LLC, hereby appeals to the United States Court of Appeals for the Federal Circuit.

Plaintiff appeals the Final Judgment, entered on May 3, 2023 (Dkt. 513), and all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to TQ Delta in this case, including but not limited to, the Court's orders denying Plaintiff's Motion for Judgment as a Matter of Law and for a New Trial, entered on August 25, 2023 (Dkt. 566); the Court's Sealed Order denying Plaintiff's Motions for a New Trial, entered on September 6, 2023 (Dkt. 567; jointly redacted public version at Dkt. 568); the Court's Sealed Order denying Plaintiff's Renewed Motion for Judgment as a Matter of Law, entered on February 15, 2024 (Dkt. 570; jointly redacted public version at Dkt. 572); the Court's Order on Pretrial Motions and Motions *in Limine*, entered on March 9, 2023 (Dkt. 496), the Court's Claim Construction Memorandum and Order, entered on June 8, 2022 (Dkt. 169); and all other orders, rulings, findings, and/or decisions decided adversely

to TQ Delta, whether oral or written, interlocutory thereto, incorporated within, or underlying them, whether pretrial or during trial.

As such, pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(1)(A), Plaintiff appeals from the Final Judgment (Dkt. 513) to challenge all orders, rulings, findings, and/or conclusions of any kind whatsoever decided adversely to TQ Delta, including the Court's order denying Plaintiff's Motions for Judgment as a Matter of Law and for a New Trial, the Court's order denying Plaintiff's Motions for a New Trial, the Court's Order on Pretrial Motions and Motions *in Limine*, the Court's Claim Construction Memorandum and Order, the Court's order denying Plaintiff's Renewed Motion for Judgment as a Matter of Law, and all other orders, rulings, findings, and/or decisions decided adversely to TQ Delta, whether oral or written, interlocutory thereto, incorporated within, or underlying them, whether pretrial or during trial.

This appeal is made pursuant to 28 U.S.C. §§1291 & 1295(a)(1).

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$600.00) as required by 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(2), Federal Rule of Appellate Procedure 3(e), and the U.S. District Court for the Eastern District of Texas fee schedule.

Dated: March 15, 2024

Respectfully submitted,

By: /s/ Peter J. McAndrews

**Peter J. McAndrews**  
(*Pro hac vice*)  
pmcandrews@mcandrews-ip.com

**Rajendra A. Chiplunkar**  
(*Pro hac vice*)  
rchipunkar@mcandrews-ip.com

**David Z. Petty**

*(Pro hac vice)*  
[dpetty@mcandrews-ip.com](mailto:dpetty@mcandrews-ip.com)

**MCANDREWS, HELD & MALLOY,  
LTD.**

500 West Madison St., 34th Floor  
Chicago, IL 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775-8100

**Edward K. Chin**  
[ed@brusterpllc.com](mailto:ed@brusterpllc.com)  
Texas Bar No. 50511688

**Anthony K. Bruster**  
[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)  
Texas Bar No. 24036280

**Andrew J. Wright**  
[andrew@brusterpllc.com](mailto:andrew@brusterpllc.com)  
Texas Bar No. 24063927

**Shawn A. Latchford**  
[shawn@brusterpllc.com](mailto:shawn@brusterpllc.com)  
Texas Bar No. 24066603

**BRUSTER PLLC**  
680 N. Carroll Ave., Suite 110  
Southlake, TX 76092  
(817) 601-9564 – Telephone

**ATTORNEYS FOR PLAINTIFF  
TQ DELTA, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served this March 15, 2024, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), any counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by email on this 15th day of March, 2024.

*/s/ Peter J. McAndrews*  
Peter J. McAndrews